

REMARKS

This paper is filed in response to the Office Action mailed November 24, 2009.

Claims 17, 24, 25, 27, 32, 33, 36, and 38 are pending in this application. Claims 17, 24, 27, 32, and 36 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,907,973 to Hon (“Hon”) in view of U.S. Patent No. 5,820,600 to Carlson et al (“Carlson”) and further in view of U.S. Patent No. 5,613,937 to Garrison et al (“Garrison”). Claims 27 and 36 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hon in view of Carlson and Garrison and further in view of U.S. Patent No. 5,480,307 to Lang et al (“Lang”). Claims 25 and 33 are rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Hon in view of Carlson and Garrison and further in view of U.S. Patent No. 5,951,301 to Younker (“Younker”). Claim 38 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hon in view of Carlson and Garrison and further in view of U.S. patent No. 5,800,179 to Bailey (“Bailey”).

Applicant respectfully traverses each of the rejections of the claims and requests reconsideration and allowance of all claims in view of the remarks below.

I. § 103(a) – Hon in view of Carlson and Garrison – Claims 17, 24, 27, 32, and 36

Applicant respectfully traverses the rejection of claims 17, 24, 27, 32, and 36 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hon in view of Carlson and Garrison.

To establish *prima facie* obviousness of a claimed invention under 35 U.S.C. § 103, the Office Action must show, either from the references themselves or in the knowledge generally available to one of ordinary skill in the art, that the cited references disclose or suggest each claimed element.¹

Because Hon in view of Carlson and Garrison does not disclose or suggest “a bracket coupled to the mock anatomical site and the housing and configured to allow the mock anatomical site to be moveable in a plurality of degrees of freedom with respect to

¹ See MPEP §§ 2141 and 2143; *Graham v. John Deere Co.*, 383 U.S. 1 (1966); *KSR Int’l Co. v. Teleflex, Inc.*, 82 U.S.P.Q.2d at 1395-96..

the housing, wherein at least a portion of the hollow member extends through a portion of the bracket” as recited in claim 17, claim 17 is patentable over Hon in view of Carlson and Garrison.

In response to Applicant’s arguments made in the previous response, the Examiner maintains his rejections and states that Garrison discloses a bracket as recited in claim 17 because Garrison discloses a trocar that uses a clamp and collar assembly, which corresponds to the claimed bracket.² The Examiner argues:

In Garrison, Figure 2, the trocar is used to move an anatomical site into position for inserting surgical instruments into a patient with respect to position of his body. ... The clamp and collar assembly of Garrison repositions the anatomical site with regard to the rest of the patient’s body by opening the site wide enough to pass an instrument through to the interior of the body. This bracket would just be used to clamp open the mock anatomical site of Hon.³

However, this argument is flawed because the clamp and collar assembly are not “configured to allow the mock anatomical site to be moveable in a plurality of degrees of freedom with respect to the housing” as recited in claim 17. The clamp and collar assembly simply make use of an inherent pliability of the tissue at the anatomical site and any inherent flexibility already available to allow an opening to be widened – the clamp and collar do not allow this freedom of movement. Were the mock anatomical site and the patient housing made of rigid, inflexible material, inserting the clamp and collar into the mock anatomical site would not then allow the mock anatomical site to be moveable with respect to the housing. Rather, a bracket as claimed would still be required to allow the housing and the mock anatomical site to be moveable with respect to each other. Thus, Garrison does not disclose or suggest “a bracket coupled to the mock anatomical site and the housing and configured to allow the mock anatomical site to be moveable in a plurality of degrees of freedom with respect to the housing, wherein at least a portion of the hollow member extends through a portion of the bracket.”

As such, the combination of Hon, Garrison and Carlson does not disclose or suggest “a bracket coupled to the mock anatomical site and the housing and configured to allow the mock anatomical site to be moveable in a plurality of degrees of freedom with

² See Office Action mailed November 24, 2009, p. 9.

³ Id.

respect to the housing, wherein at least a portion of the hollow member extends through a portion of the bracket” as recited in claim 17. Therefore, Applicant respectfully requests the Examiner withdraw the rejection of claim 17.

Similar to claim 17, claim 24 recites “a bracket coupled to the mock anatomical site at a first end and the housing at a second end, the bracket configured to allow positioning adjustment of the mock anatomical site in a plurality of degrees of freedom with respect to the housing, wherein at least a portion of the hollow member extends through a portion of the bracket.” Claim 24 is patentable over Hon in view of Garrison and Carlson for at least the same reasons as claim 17. Applicant respectfully requests the Examiner withdraw the rejection of claim 24.

Similar to claims 17 and 24, claim 32 recites “a first end of the bracket is coupled to the mock anatomical site, the bracket having a second end coupled to a housing having a sensing assembly therein, wherein the bracket is configured to pivot at the second end with respect to the housing to allow the mock anatomical site to be moveable in a plurality of degrees of freedom with respect to the housing; ... [and] a hollow member extending ... through ... at least a portion of the bracket.” Claim 32 is patentable over Hon in view of Garrison and Carlson for at least the same reasons as claims 17 and 24. Applicant respectfully requests the Examiner withdraw the rejection of claim 32.

Because claims 27 and 36 depend from and further limit one of claims 24 or 32, claims 27 and 36 are each patentable over Hon in view of Garrison and Carlson for at least the same reasons as claims 24 and 32. Applicant respectfully requests the Examiner withdraw the rejection of claims 27 and 36.

II. § 103(a) – Hon in view of Carlson and Garrison and Lang – Claims 27 and 36

Applicant respectfully traverses the rejection of claims 27 and 36 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hon in view of Garrison, Carlson, and Lang.

Because the combination of Hon in view of Garrison, Carlson, and Lang does not disclose or suggest “a bracket coupled to the mock anatomical site at a first end and the housing at a second end, the bracket configured to allow positioning adjustment of the mock anatomical site in a plurality of degrees of freedom with respect to the housing,

wherein at least a portion of the hollow member extends through a portion of the bracket” as recited in claim 24, from which claim 27 depends, claim 27 is patentable over the combined references.

As discussed above, Hon in view of Garrison and Carlson does not disclose “a bracket coupled to the mock anatomical site at a first end and the housing at a second end, the bracket configured to allow positioning adjustment of the mock anatomical site in a plurality of degrees of freedom with respect to the housing, wherein at least a portion of the hollow member extends through a portion of the bracket.” Lang does not cure this deficiency for at least the same reasons given with respect to Garrison above. Further, Lang discloses a mock human head attached to a mock torso for training dental procedures, such as orthodontic procedures. While the human head in Lang may be pivoted, Lang does not disclose or suggest “a bracket coupled to the mock anatomical site at a first end and the housing at a second end, the bracket configured to allow positioning adjustment of the mock anatomical site in a plurality of degrees of freedom with respect to the housing, wherein at least a portion of the hollow member extends through a portion of the bracket.” Further, the combination of Lang with Hon, Garrison, and Carlson does not suggest such a feature. Therefore, claim 27 is patentable over Hon, Garrison, Carlson, and Lang. Applicant respectfully requests the Examiner withdraw the rejection of claim 27.

Similar to claim 27, claim 32, from which claim 36 depends, recites “a first end of the bracket is coupled to the mock anatomical site, the bracket having a second end coupled to a housing having a sensing assembly therein, wherein the bracket is configured to pivot at the second end with respect to the housing to allow the mock anatomical site to be moveable in a plurality of degrees of freedom with respect to the housing; ... [and] a hollow member extending ... through ... at least a portion of the bracket.” Claim 32 is patentable over the combined references. Applicant respectfully requests the Examiner withdraw the rejection of claim 36.

III. § 103(a) – Hon in view of Carlson and Garrison and Younker – Claims 25 and 33

Applicant respectfully traverses the rejection of claims 25 and 33 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hon in view of Garrison, Carlson, and Younker.

Because the combination of Hon in view of Garrison, Carlson, and Younker does not disclose or suggest “a bracket coupled to the mock anatomical site at a first end and the housing at a second end, the bracket configured to allow positioning adjustment of the mock anatomical site in a plurality of degrees of freedom with respect to the housing, wherein at least a portion of the hollow member extends through a portion of the bracket” as recited in claim 24, from which claim 25 depends, claim 25 is patentable over the combined references.

As discussed above, Hon in view of Garrison and Carlson does not disclose or suggest “a bracket coupled to the mock anatomical site at a first end and the housing at a second end, the bracket configured to allow positioning adjustment of the mock anatomical site in a plurality of degrees of freedom with respect to the housing, wherein at least a portion of the hollow member extends through a portion of the bracket.” Younker does not cure this deficiency. Younker discloses a simulator for endoscopic training, however, it does not disclose or suggest “a bracket coupled to the mock anatomical site at a first end and the housing at a second end, the bracket configured to allow positioning adjustment of the mock anatomical site in a plurality of degrees of freedom with respect to the housing, wherein at least a portion of the hollow member extends through a portion of the bracket.” As such, claim 25 is patentable over the combined references. Applicant respectfully requests the Examiner withdraw the rejection of claim 25.

Similar to claim 25, claim 32, from which claim 33 depends, recites “a first end of the bracket is coupled to the mock anatomical site, the bracket having a second end coupled to a housing having a sensing assembly therein, wherein the bracket is configured to pivot at the second end with respect to the housing to allow the mock anatomical site to be moveable in a plurality of degrees of freedom with respect to the housing; ... [and] a hollow member extending ... through ... at least a portion of the bracket.” Claim 33 is patentable over the combined references for at least the same

reasons as claim 25. Applicant respectfully requests the Examiner withdraw the rejection of claim 33.

IV. § 103(a) – Hon in view of Carlson and Garrison and Bailey – Claim 38

Applicant respectfully traverses the rejection of claim 38 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hon in view of Garrison, Carlson, and Younker.

Because the combination of Hon in view of Garrison, Carlson, and Bailey does not disclose or suggest “a bracket coupled to the mock anatomical site and the housing and configured to allow the mock anatomical site to be moveable in a plurality of degrees of freedom with respect to the housing, wherein at least a portion of the hollow member extends through a portion of the bracket” as recited in claim 17, from which claim 38 depends, claim 38 is patentable over the combined references.

As discussed above, Hon in view of Garrison and Carlson does not disclose or suggest “a bracket coupled to the mock anatomical site and the housing and configured to allow the mock anatomical site to be moveable in a plurality of degrees of freedom with respect to the housing, wherein at least a portion of the hollow member extends through a portion of the bracket” Bailey does not cure this deficiency. Bailey discloses a simulator for minimally-invasive surgical procedures, but does not disclose or suggest “a bracket coupled to the mock anatomical site and the housing and configured to allow the mock anatomical site to be moveable in a plurality of degrees of freedom with respect to the housing, wherein at least a portion of the hollow member extends through a portion of the bracket.” Therefore, claim 38 is patentable over the combined references. Applicant respectfully requests the Examiner withdraw the rejection of claim 38.

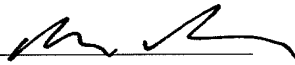
CONCLUSION

Applicant respectfully asserts that in view of the remarks above, all pending claims are allowable and Applicant respectfully requests the allowance of all claims.

Should the Examiner have any comments, questions, or suggestions of a nature necessary to expedite the prosecution of the application, or to place the case in condition for allowance, the Examiner is courteously requested to telephone the undersigned at the number listed below.

Respectfully submitted,

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